

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

CDx Diagnostics, Inc. et al.,

Defendants,

**y.**

U.S. Endoscopy Group, Inc. et al.,

Plaintiffs.

CASE NO. 7:13-cv-5669-NSR

JUDGE NELSON STEPHEN ROMÁN

**PARTIES' JOINT STIPULATION/MOTION TO STAY PROCEEDINGS PENDING**  
***INTER PARTIES REVIEW***

Plaintiffs CDx Diagnostics Inc. and Shared Medical Resources LLC and Defendant U.S. Endoscopy Group, Inc. hereby jointly stipulate and/or respectfully move this Court for an Order *staying this case in its entirety* pending the conclusion of proceedings on instituted inter partes reviews (“IPR”). The Patent Office Trial and Appeal Board instituted inter partes reviews for U.S. Patent No. 7,004,913 and U.S. Patent No. 6,676,609 on September 15, 2014 and indicated on October 2, 2014 that a decision on the IPR requested for U.S. Patent No. 6,258,044 will issue any day.

This proposed stay would include a stay on all dates set forth in the April 3, 2014 Case Management Plan and Scheduling Order and would stay the case in its entirety. The Parties believe that a stay will minimize any wasting of the Court's resources and that a stay is not prejudicial to either Party. Moreover, upon conclusion of the last IPR, the Parties will promptly inform the Court of that decision.

Also, Plaintiff is to file a reply by October 10, 2014 to Defendant's Reply on Claim Construction. Tuvia Rotberg, who has been primarily involved with this case, will be out of the

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office because of the religious Jewish holidays starting Wednesday October 8, 2014 in the afternoon through Friday October 10, 2014. If the court were to deny the joint motion to stay/stipulation, Plaintiffs' request that their reply date be reset to October 15, 2014. On the other hand, if the Court grants the joint stay request, then there is no need to reset the October 10, 2014 date for Plaintiffs' reply.

Finally, a proposed order granting the stay is attached as Exhibit A.

Respectfully submitted,

/s/ Peter L. Berger

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*Attorneys for Plaintiffs CDx Diagnostics  
Inc. and Shared Medical Resources LLC*

Dated: October 7, 2014

Respectfully submitted,

/s Todd R. Tucker

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-and-

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*Attorneys for Defendant U.S. U.S. Endoscopy  
Group, Inc.*

Dated: October 7, 2014

SO ORDERED:

U.S.D.J. / U.S.M.J.

Nelson S. Román

Dated: 10/8/14 White Plains, New York